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Practitioner's Docket No. 4204.32-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joel Marquart et al.
Serial No.: 10/772,142
Filed: February 4, 2004
Examiner: TBD
Group No.: 3738
Title: Computer-Assisted External Fixation
Apparatus and Method

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND (IMPROPER CHARGES OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

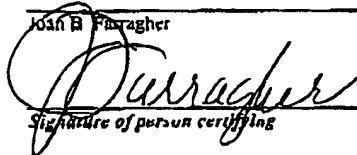
This is a request for a refund, with respect to the charge to Deposit Account 13-4900, shown on the statement dated December 6, 2004, for the above-identified application.

A copy of the monthly statement, in which the errors referred to occur, accompanies this request.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to 703-308-5077 of the U.S. Patent and Trademark Office (Refunds - Deposit Accounts)

Date January 19, 2005

Joan B. Farragher

Signature of person certifying

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II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF
REFUND
REQUESTED

| | |
|-----------------------|--------|
| Filing Fee | 790.00 |
| Additional Claims Fee | 18.00 |

TOTAL REFUND REQUESTED

\$808.00

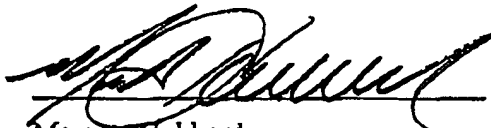
III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On December 6, 2004, Applicants filed a Response to Notice of Missing Parts of Nonprovisional Application, a copy of which is attached. On the attached transmittal, Applicants indicated that a continuation application was being filed concurrently and requested that the referenced application be retained under 37 C.F.R. §1.53(f). The authorization to charge the deposit account for additional fees was limited to those "necessitated" by the paper. Payment of the basic filing fee and additional claims fee was not necessary given the request to retain the application and the filing of the continuation application. Therefore, authorization to pay the basic filing fee and additional claims fee was not given, and the charges for these fees are in error. Refund of these fees is respectfully requested

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 13-4900.

Date: 1-19-2005
Munsch Hardt Kopf & Hart, P.C.
1445 Ross Avenue, Suite 4000
Dallas, TX 75202-2790
Tel. No.: 1-214-855-7571
Fax No.: 1-214-855-7571


Marc A. Hubbard
Reg. No. 32,506

Customer No.: 23559

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PATENT APPLICATION SERIAL NO. _____

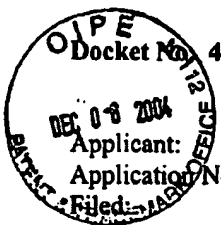
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

2/16/2004 HNGUYEN 00000002 134900 10772142

| | |
|-----------|-----------|
| 1 FC:1001 | 790.00 DA |
| 2 FC:1202 | 18.00 DA |

Adjustment date: 04/28/2005 SDIRETA1
12/16/2004 HNGUYEN 00000002 134900 10772142
01 FC:1001 790.00 CR
02 FC:1202 18.00 CR

PTO-1556
(5/87)



Docket No. 4204.32-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joel Marquart, et al.
Application No.: 10/772,142
Filed: February 4, 2004
For: Computer-Assisted External
Fixation Apparatus and Method

Docket No.: 4204.32-1
Examiner: TBD
Art Unit: 3737

RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION

EXPRESS MAIL LABEL NO. **111 EV568572597US**

MAIL STOP: MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being sent by the United States Postal Service Express Mail Post Office to Addressee to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 6, 2004.

Name: Marc A. Hubbard

Signature: [Signature]

Dear Sir:

In response to the Notice of Notice of Missing Parts of Nonprovisional Application mailed May 5, 2004, submitted herewith are:

1. Return copy of Notice of Missing Parts of Nonprovisional Application;
2. A Petition for Extension of Time under 37 C.F.R. 1.136(a);
3. A Petition under 37 CFR 1.41(a) and check in the amount of \$130 to cover required fee under 37 C.F.R. 1.17(i);
4. A check in the amount of \$2340 to cover the fee of \$2080 required under 37 C.F.R. 1.17(a), the processing fee required under 37 C.F.R. 1.17(i), and the surcharge fee of \$130 required under 37 C.F.R. 1.16(e); and
5. A return Receipt Postcard.

A continuation application, claiming priority to the above-referenced application, is being filed concurrently herewith pursuant to 37 C.F.R. 1.53(b).

Please retain the referenced application pursuant to 37 C.F.R. 1.53(f). If a required petition for extension of time under 37 C.F.R. §1.136(a) is not included herewith, please treat this paper as a petition for the extension. The Director is hereby authorized to credit any overpayment or charge any additional fees necessitated with this communication to Deposit Account 13-4900.

04/28/2005 SDIRETA1 00000036 10772142

01 FC:8025

130.00 DP

Respectfully submitted,

Date: Dec 6, 2004

Munsch Hardt Kopf & Harr, P.C.
4000 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2790
Telephone: (214) 855-7571
Facsimile: (214) 855-7584

[Signature]
Marc A. Hubbard
Reg. No. 32,506

12/08/04
IFW #
UNITED STATES PATENT AND TRADEMARK OFFICE**UNITED STATES DEPARTMENT OF COMMERCE**
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/772,142 | 02/04/2004 | | 4204.32-1 |

23559
MUNSCH, HARDT, KOPF & HARR, P.C.
INTELLECTUAL PROPERTY DOCKET CLERK
1445 ROSS AVENUE, SUITE 4000
DALLAS, TX 75202-2790**CONFIRMATION NO. 1873****FORMALITIES LETTER**

OC000000012529720

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**FILED UNDER 37 CFR 1.53(b)****Filing Date Granted****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$9 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$459 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

12/09/2004 MAHME1 00000048 10772142

01 FC:1051

130.00 OP

Adjustment date: 04/28/2005 SDIRETA1

12/09/2004 MAHME1 00000048 10772142

01 FC:1051

-130.00 OP

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